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10/787,300	02/27/2004	Padakandla Krishna Rao	51085-3 /slb	8776

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CANADA

EXAMINER

HEIBER, SHANTELL LAKETA

ART UNIT	PAPER NUMBER
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2617

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08/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/787,300	Applicant(s) RAO ET AL.	
	Examiner SHANTELL HEIBER	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-8,12-14,16 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-8,12-14,16 and 19-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/18/09 and 6/30/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/5/09 has been entered.

Response to Arguments

Applicant's arguments, see applicant's remarks/arguments, filed 6/5/09, with respect to the rejection(s) of claim(s) 1, 12, 21 and 24 under 35 U.S.C. 103(a) as being anticipated by Noel et al. in view of Forssell et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Zellner, U.S. Publication No. 2004/0125800.

2. In response to applicant's remarks/arguments, page 10 stating: ***applicant submits that Noel does not suggest any of the extended functionality described in amended claims 1 and 12. Applicant submits that Noel does not disclose any type of "extended functionality" that may be indicated by the use of a qualifier flag***, the examiner disagrees.

3. According to paragraph [0024] of Noel, each participant is assigned a priority level (**qualifier flag**) which indicates a participant's relative importance to a call.

According to paragraph [0025] of Noel, once a call participant (**first user**) uses an interrupt button to request the ability to speak (**TCRM**), the PTT server sends a message to the current speaker (**second user**) that one of the call participants wants to interrupt the call on an urgent basis. **Each participant is assigned a priority level therefore the TCRM includes a qualifier flag.** The current speaker has the option of allowing the call participant to speak (**i.e., performing automatic release of the transmit channel by the THD device/second user**) or placing the call participant into the queue (**i.e., canceling a transmit channel request at the THD device/second user**). Therefore, the current speaker/second user performs an extended functionality. The current speaker has the ability to allow the requestor to speak or place the requestor into the queue therefore, these are "extended functionalities" with which the current speaker is selecting from in response to the request. Although the current speaker has the ability to decide whether the requesting participant will be allowed to speak or placed in the queue, performing an extended functionality, it is not clear that the current speaker performs the "extended functionality" in response to a value of the qualifier flag (priority level).

4. Zellner discloses a mobile 1110 requests service (**i.e., TCRM**) at a particular node 104. The request for service is transmitted to the node controller 120 (**i.e., second device**) of the packet switch 102. The node controller 120 queries the database 122 to determine the priority (**i.e., qualifier flag**) of service for mobile 1. **Therefore, the TCRM includes a qualifier flag.** If there is no idle channel available, it is determined whether a current user in communication with node 104 has a priority

lower (**i.e., the qualifier flag has a value**) that mobile 1's priority. The mobile 1's priority is compared to all current remote users in communication with the node 104.

Therefore, the qualifier flag has a value for comparing priorities between the remote users. If it is determined that remote user, mobile 2112, has a priority lower than mobile 1110, the node controller 120 terminates mobile 2's data call and allocates the vacated channel to mobile 1110 (**i.e., performs an extended functionality by allocating the channel to mobile 110**). See paragraphs [0045]-[0057].

5. Therefore, Zellner discloses performing an extended functionality in response to a value of the qualifier flag.

6. The combination of Noel and Zellner disclose all limitations as recited in independent Claims 1, 12, 21 and 24.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3 and 6-8, 12-14, 16, and 19-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Noel et al. (Noel), U.S. Publication No. 2005/0032539 in view of Zellner, U.S. Publication No. 2004/0125800.

Regarding Claims 1, 12 and 21-24, Noel discloses a method, a user device, a network, a system and a memory of messaging during an active half-duplex session between a plurality of user devices capable of half-duplex voice functionality **(PTT calls use a half-duplex communications system and therefore, only one person can have the ability to speak at a time; [0004])**, the method, the user device, the network, a system and a memory comprising:

a first user device **(requesting call participant)** of said plurality of user devices while in a receiving in half-duplex (RHD) mode for an active half-duplex session **(the call begins when the call originator presses the appropriate button, e.g., a PTT button, on a wireless phone and begins speaking)**, transmitting a transmit channel request message (TCRM) to a network, the TCRM indicating a request from the user device to transmit on the transmit channel **(as the call progresses, a participant may want to speak while another participant is currently speaking. The participant wanting to speak sends a request (TCRM) to speak)**;

the network forwarding the TCRM to a second user device **(the PTT server sends a message to the current speaker that one of the call participants wants to interrupt the call)** of said plurality of user devices while the second user device is in a transmitting in half-duplex (THD) mode for the active half-duplex session,

the TCRM including an identification of the first user device **(the participants identities are transmitted to the PTT server and stored)**;

the TCRM including a qualifier flag (**i.e., priority level**) at least when the TCRM is forwarded to the second user device (**each participant is assigned a priority level**);

the second user device receiving the TCRM (**the PTT server sends a message to the current speaker that one of the call participants wants to interrupt the call**); and

the second user device performing extended functionality (**the current speaker has the option of allowing the call participant initiating the request to speak or placing the call participant into the queue**),

wherein the extended functionality comprises *at least one* functionality selected from the group consisting of:

- a) registering a continuing transmit channel request at the THD device;
- b) canceling a transmit channel request at the THD device (**i.e., placing the requesting call participant into the queue**); and
- c) performing automatic release of the transmit channel by the THD device (**i.e., allowing the requesting call participant to speak**).

See paragraphs [0023]-[0025]

Noel fails to specifically mention the second user device performing extended functionality in response to a value of the qualifier flag.

In a similar field of endeavor, Zellner discloses associated systems and methods for providing data services using idle cell resources. Zellner further discloses the second user device (**i.e., node controller 120**) performing extended functionality (**i.e.,**

allocating the vacated channel to mobile 1110) in response to a value (i.e., lower or higher) of the qualifier flag (i.e., priority of service). See paragraphs [0045]-[0057]

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings as described by Noel with the teachings described by Zellner to arrive at the claimed invention for improving call management logic, improving wireless voice and data applications in communications networks.

Regarding Claims 2 and 13, Noel and Zellner disclose wherein each user device of the plurality of user devices is a wireless device **(Noel-the mobile device 110 is shown in Figure 1 as a wireless phone; [0019])**.

Regarding Claims 3 and 12, Noel and Zellner disclose further comprising the first user device locally receiving a request to transmit the TCRM **(Noel-the call participant presses an interrupt button on mobile device 110; [0025])**.

Regarding Claim 16, Noel and Zellner disclose wherein the outgoing TCRM comprises an identification of the user device. **(Noel-after the participants for the call, call group, are selected, their identities and priority level are transmitted to the PTT server 140 for storage; [0024])**.

Regarding Claims 6 and 12, Noel and Zellner disclose further comprising: the second user device in response to receiving the TCRM generating a user-detectable notification indicating the second user device has received the TCRM **[0025]**.

Regarding Claim 7, Noel and Zellner disclose further comprising: the second user device generating user-detectable notification indicative of the identification of the first user device **(see rejections for claim 6)**.

Regarding Claim 8, Noel and Zellner disclose further comprising: the network, upon receiving the TCRM from the first user device, determining a talk group the first user device is participating in, determining another user device in the talk group that is in THD mode, which another user device is said second user device **(see rejection for claim 1)**.

Regarding Claim 14, Noel and Zellner disclose wherein the active half-duplex session is a push-to-talk.TM **(the mobile device has a push to talk button)** half-duplex voice communication session **Noel-[0004] and [0022]**.

Regarding Claim 20, Noel and Zellner disclose wherein the request for the performance of extended functionality indicated by the TCRM comprises at least one functionality selected from the group consisting of: a) registering a continuing transmit channel request at the THD device; b) canceling a previously received transmit channel request at the THD device; and c) performing automatic release of the transmit channel by the THD device **[0025]**.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noel and Zellner in view of Stubbs, U.S. Patent No. 6,930,994.

Regarding Claim 4, Noel and Zellner disclose wherein the half-duplex session is a voice communication session as described above.

Noel and Zellner fails to specifically disclose wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS, UMTS, and TDMA.

In a similar field of endeavor, Stubbs discloses a dynamic allocation of radio resources in a packet switched communications system. Stubbs further discloses wherein the half-duplex session is a voice communication session compliant with at least one system selected from the group of iDEN.TM., 1XRTT CDMA, GSM/GPRS, UMTS, and TDMA (**Abstract**).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings as described by Noel and Zellner with the teachings described by Stubbs to arrive at the claimed invention for providing a half-duplex video conferencing call between two parties or in a dispatch mode between groups of call participants wherein operable in both a GPRS virtual connection mode and a conventional circuit-switched mode.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Metais et al., U.S. Patent No. 7,136,663 discloses a method for controlling a communications channel shared by several stations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Heiber whose telephone number is (571)272-0886. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edouard Patrick can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. H./
Examiner, Art Unit 2617
August 11, 2009

/Patrick N. Edouard/

Supervisory Patent Examiner, Art Unit 2617